

SHORTHAND REPORTING

Sharon L. Tansler

FILED

September 20, 2010

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF COURT REPORTING

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE CERTIFICATE OF

MARGARET D. McDANIEL FEARS, C.C.R.
LICENSE NO. 30XI00092100

TO PRACTICE COURT REPORTING
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter came before the New Jersey State Board of Court Reporting ("Board") upon information that the respondent Margaret D. McDaniel Fears, C.C.R., has failed to complete a minimum of fifteen (15) credits of continuing court reporting education courses during the period of July 1, 2002 to June 30, 2004, as required for biennial license renewal pursuant to N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2. Based upon information received and which the Board has reviewed, the following findings are made:

FINDINGS OF FACT

1. Respondent is a certified court reporter in the State of New Jersey and has been a certificate holder at all times relevant hereto.

2. On or about the 4th day of October 2004, the Board of Court Reporting initiated a random audit of renewal applications for the 2002-2004 period, asking those randomly

selected certificate holders to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifteen (15) credits of continuing education.

3. Respondent failed to submit proof of having completed the requisite continuing education courses. A review of her renewal application indicated that Ms. McDaniel Fears answered "no" to the question of whether she had completed the required continuing education courses.

4. In a letter issued in October 2004, Ms. McDaniel Fears was requested to provide information to the Board explaining her response to the continuing education question on her renewal application. To date, the respondent has failed to respond to the Board's directive.

CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2 with regard to the completion of the appropriate number of continuing education credit hours.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, provisionally suspending respondent's certificate to practice court reporting in the State of New Jersey, was entered on July 22, 2005, and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless

respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

As indicated earlier, a copy of the Provisional Order was sent to the respondent, via both certified and regular mail on or about July 23, 2005, to her address of record: 825 Berckman Street, Plainfield, New Jersey 07062-1850. The green receipt card of the certified mail was received by the Board office and indicated that service of the Provisional Order was made on July 26, 2005. Additionally, the Provisional Order sent to the respondent via regular mail was not returned to the Board office. However, the Board has not, to date, received a response to the Provisional Order from the respondent. In June 2005, Ms. Fears failed to renew her certificate and the certificate was thereafter administratively suspended without a hearing based on her failure to renew it. Therefore, the respondent's certificate has been suspended since July 1, 2005. ¹

This matter was reviewed by the Board at its November 14, 2005 meeting. Following its review of this matter, the Board concluded that it had met its obligation of proving adequate service by mailing of the proper documents to the certificate holder's address of record filed with

¹ In or about July 2009, Ms. Fears sought to reinstate her certificate to practice court reporting in New Jersey. She paid the required reinstatement fee and the delinquent renewal fees for the biennial periods of 2006-2008 and then current licensure period of 2008-2010 totaling \$750.00. However, the respondent failed to provide to the Board the required notarized statement indicating whether she had engaged in the practice of court reporting during the period her certificate was administratively suspended. [See N.J.S.A. 45:1-7.2(c)]. Hence, Ms. Fears' certificate was not reinstated. Therefore, the Board's records currently indicate that the respondent's certificate expired on June 30, 2005 and that she has failed to renew her certificate since that date.

the Board. Additionally, the Board found that, despite proof of adequate service, the respondent failed to comply with the Board's directives and submit proof that she had completed the required continuing education credits for the 2002-2004 certificate biennial renewal period. Moreover, the Board concluded that the respondent had failed to provide any compelling reasons why the preliminary findings detailed in the Provisional Order should be vacated or modified in any way. Finally, the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Thus, the Board voted to finalize the Provisional Order without modification.

**ACCORDINGLY, IT IS ON THIS 31st DAY OF
AUGUST 2010, ORDERED THAT:**

1. Respondent Margaret D. McDaniel Fears, C.C.R., is hereby formally reprimanded for her failure to complete the required continuing education credits for the 2002-2004 certificate biennial renewal period.

2. Respondent's certificate to practice court reporting in the State of New Jersey is hereby suspended effectively upon the entry of this Final Order and shall remain suspended until respondent submits proof that she has fully complied with all continuing education requirements for the 2002-2004 certificate biennial renewal period. .


3. Respondent is hereby assessed a civil penalty in the amount of \$1,000.00, pursuant to the mandates of N.J.S.A. 45:1-25, for violation of N.J.S.A. 45:15B-3.1, N.J.A.C. 13:43-7.1 and 7.2, and N.J.S.A. 45:1-21(h). Payment shall be made by certified check or money order made payable to the State of New Jersey and shall be submitted to Dianne L. Tamaroglio, Executive Director of the State Board of Court Reporting, at 124 Halsey Street, Sixth Floor, Post Office Box

45019, Newark, New Jersey 07101, within thirty (30) days from the date this Order is finalized.

4. Failure to comply with any provisions of this Order or remit the civil penalty required by this Order will result in the filing of a Certificate of Debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By:


MARIANNE CAMMAROTA, C.C.R.
President

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece or on the front if space permits.

Article Addressed to:

Margaret D. McDaniels
Fears, C.C.R.
225 Birchman St
Plainfield, NJ
07062-1850

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

☐ Addressee

C. Date of Delivery

Item 1? ☐ Yes

Below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number


Transfer from service label

7006 2760 0001 5904 1258

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